

<p>CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795</p> <p style="text-align: center;">GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT REZONING STAFF REPORT</p>	<p>Hearing Date/Agenda Number P.C. 11-01-04 Item: 4.a.1 & 4.a.2</p> <hr/> <p>File Number GP03-03-15 and PDC03-103</p> <hr/> <p>Application Type General Plan Amendment and Planned Development Rezoning</p> <hr/> <p>Council District 3</p> <hr/> <p>Planning Area Central</p> <hr/> <p>Assessor's Parcel Number(s) 472-06-034; -076; -085; -087; -091; -092; -093; -033</p>
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PROJECT DESCRIPTION	Completed by: Lesley Xavier
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Location: Northeast corner of Bonita Avenue and Sunny Court	
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Gross Acreage: 7.7	Net Acreage: 6.9	Net Density: 11.1 DU/AC
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Existing Zoning: LI - Light Industrial District	Existing Use: Vacant factory (Sorrento Cheese Factory)
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Proposed Zoning: A(PD) Planned Development	Proposed Use: 77 single-family detached residential dwelling units
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GENERAL PLAN	Completed by: LX
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Land Use/Transportation Diagram Designation Light Industrial	Project Conformance: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> See Analysis and Recommendations
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SURROUNDING LAND USES AND ZONING	Completed by: LX
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North: Kelly Court and Two-Family and Single-Family Residential	R-1-8 Single-Family Residential
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East: Highway 101	None
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South: Mobile Home Park	R-MH Mobile Home Park
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West: Two-Family and Single -Family Residential	R-1-8 Single-Family Residential
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ENVIRONMENTAL STATUS	Completed by: LX
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<input type="checkbox"/> Environmental Impact <input type="checkbox"/> Negative Declaration circulated on <input checked="" type="checkbox"/> Negative Declaration adopted on October 26, 2004	<input type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
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FILE HISTORY	Completed by: LX
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Annexation Title: McLaughlin No. 16	Date: 07/27/1981
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PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION	
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<input type="checkbox"/> Approval <input checked="" type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____	Approved by: _____ <input type="checkbox"/> Action <input checked="" type="checkbox"/> Recommendation
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APPLICANT/DEVELOPER	OWNER
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KB Home, Inc. Steven Bull 6700 Koll Center Parkway, Suite 200 Pleasanton, CA 94566	Sorrento Lactalis, Inc. David J.G. Chambers 2367 South Park Avenue Buffalo, NY 14220
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Department of Public Works
See attached memorandum

Other Departments and Agencies

See attached memoranda from the following:

- Strong Neighborhood Initiative (SNI) Staff
- San Jose Fire Department
- Environmental Services Department
- Santa Clara Valley Water District

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS**BACKGROUND**

This staff report covers two pending applications with the City of San Jose including a General Plan amendment and a Planned Development rezoning.

The applicant, KB Home, Inc., is proposing a General Plan amendment and a Planned Development rezoning on a site located at the northeast corner of Bonita Avenue and Sunny Court. The General Plan amendment (file No. GP03-03-15) proposes to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation on the site from Light Industrial on 8 acres to Medium Density Residential (8-16 DU/AC) on 7 acres and Public Park/ Open Space on 1 acre. The proposed Planned Development rezoning (file no. PDC03-103) from LI - Light Industrial Zoning District to A(PD) Planned Development Zoning District would rezone the 7.7 gross-acre site to allow for the development of up to 77 single-family detached residential units and a public park.

The General Plan amendment includes an additional 0.3-acre rectangular shaped parcel south of the proposed public park. The 0.3-acre parcel is not included in the proposed rezoning because the applicant intends to purchase the property in the future and add a portion of the parcel to the park and construct three additional units.

Site and Surrounding Uses

The site is currently developed with the Sorrento Cheese Factory, which is now vacant, and an associated surface parking lot. Uses surrounding the site include single-family detached and two-family residential units to the north and to the west, Highway 101 to the east, and a mobile home park to the south. The General Plan land use designations surrounding the site include Light Industrial and Medium Density Residential (8-16 DU/AC) to the north, and Medium Density Residential (8-16 DU/AC) to the south and west, Highway 101 is located to the east.

Project Description***General Plan Amendment (File No. GP03-03-15)***

This is a privately initiated General Plan amendment to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation on the subject site from Light Industrial to Medium Density Residential (8-16 DU/AC) on 7 acres and Public Park/Open Space on one acre.



Subject site at the corner of Bonita Avenue and Sunny Court

The existing Light Industrial land use designation allows for a variety of industrial uses and excludes uses with unmitigated hazardous or nuisance effects. Typical uses of this designation include warehousing, wholesaling, and light manufacturing. The applicant is requesting to change this designation to Medium Density Residential (8-16 DU/AC) to allow for the development of single-family detached residential units. The Medium Density Residential (8-16 DU/AC) land use designation is typified by patio homes, townhouses and duplexes. It allows a mixture of single family and apartment units, subject to overall density limits and is generally located on the edges of single-family neighborhoods and other infill sites. Discussion regarding the proposed General Plan amendment is included in the General Plan Conformance section of this report.

Planned Development Rezoning (File No. PDC03-103)

The proposed Planned Development rezoning would allow the demolition of the Sorrento Cheese Factory to construct 77 single-family detached residential units and a new 0.73-acre public park.

Each unit is two stories and has four to five bedrooms and two and one half baths. The proposed residential structures are specified as single-family detached units, and technically they meet that definition. However, they are commonly referred to as “detached garden townhouses” characterized by rear-loaded garages accessed by a private drive, front entries from pedestrian paseos, and minimal private open space. The proposed design is a combination of single-family detached residences and garden townhouse units. Rear loaded garages along private driveways provide vehicular access, and paseos provide pedestrian connections between the interior units. Each unit is proposed to have a front porch and an active and passive side elevation. The active side would have more windows and doors, connected to living areas and the passive side would have minimal windows. The 8-foot wide private open space for each unit is located on the active side of that unit in the side yard, with the adjacent units passive side facing the private open space. No rear yards would be provided.

The proposed project would dedicate 0.73 acres of the site fronting on Bonita Avenue to the City of San Jose for a neighborhood park. The developer would construct this new park as a “turnkey” park with all improvements. It is proposed to include benches and small tables, a children's play area, and a grass area. Since this would be a neighborhood park, no parking would be provided on the site. However, there are on-street parking opportunities on Bonita Avenue.

The project site is located within the Five Wounds/Brookwood Terrace Redevelopment Area. Therefore, a new residential project would be required to adhere to the Redevelopment Project Area's Inclusionary Housing Policy by providing up to 20% of the units as units affordable to low or moderate income households. The specifics of the agreement will be addressed at the Planned Development permit stage.

ENVIRONMENTAL REVIEW

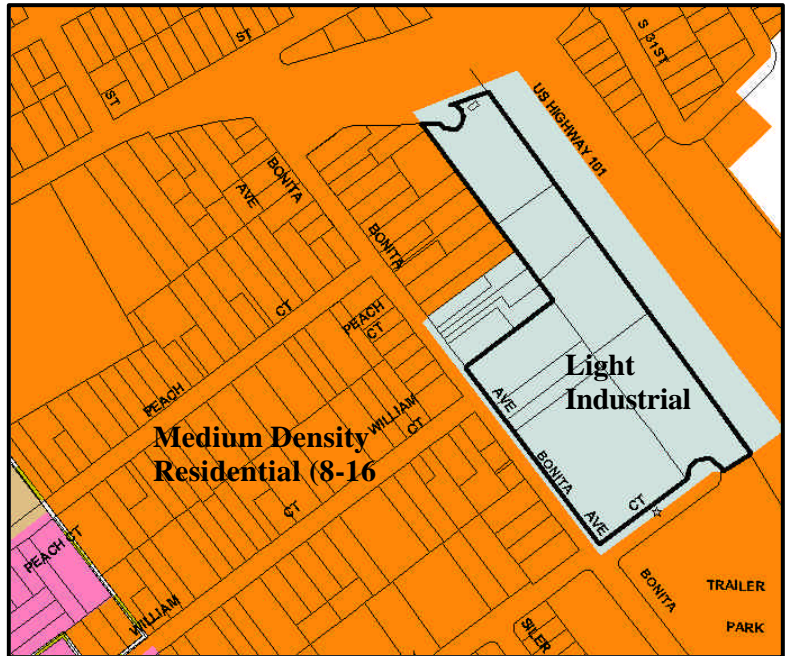
An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning, Building, and Code Enforcement on October 7, 2004 and adopted on October 26, 2004. The primary issues that were addressed in the environmental review include: (1) hazards and hazardous materials impacts to persons from the use of the site as a factory; (2) air quality; and (3) the potential impact of traffic noise from Highway 101 on future residents of the proposed units. The project includes mitigation measures that would reduce any potentially significant project impacts to a less-than-significant level. A comprehensive compilation of the environmental mitigation measures required as part of this project can be found in the project's Mitigated Negative Declaration and development standards (attached to this report). The full text of the Initial Study is available online at: <http://www.sanjoseca.gov/planning/eir/MND2004.htm>

GENERAL PLAN CONFORMANCE/ANALYSIS

The proposed single-family detached residential project does not conform to the subject site's current *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of Light Industrial. If the proposed General Plan amendment were to be approved, the proposed single-family detached residential project with a net density of 11.1 DU/AC would be in conformance with the new Medium Density Residential (8-16 DU/AC) General Plan designation.

Evaluation of Industrial Land Conversions

With the downturn in the economy, there are many vacant or underutilized industrial sites in San Jose. Staff has received approximately twenty-five General Plan amendments in the past year proposing the conversion of approximately 800 acres of industrial land to residential or commercial uses. As a result, staff has identified key issues that need to be evaluated for each conversion proposal. The criteria assess a range of factors including:



1. Consistency with the City's Policies, Goals, and Strategies.
2. The contribution to San Jose's economy of the applicable subarea.
3. Proximity to compatible and incompatible land uses.
4. Proximity to neighborhood services and transit.
5. Potential for inducement of additional conversions to residential uses.

A discussion of each of these factors is included below.

1. Consistency with the City's Policies, Goals, and Strategies

The San Jose 2020 General Plan has seven Major Strategies that together provide the "vision" for San Jose, particularly related to its future growth and development. Three of the seven Major Strategies are Economic Development, Growth Management, and Housing.

Economic development is a fundamental priority for future growth of the City. Since 1975, San Jose's General Plan has had strong strategies, goals, and policies to foster economic development. *The San Jose 2020 General Plan* continues to reiterate the importance of economic development through the Economic Development Major Strategy. The Economic Development Major Strategy calls for identifying opportunities for expanding the community's economic base, promoting a balance between "driving" industries and the service/supplier firms that support them, and actively marketing San Jose as a location for a wide range of businesses. The proposed amendment to residential is inconsistent with this strategy. However, the area surrounding the site is characterized by single-family and two-family residential uses. In addition, the site is predominantly surrounded by the Medium Density Residential (8-16 DU/AC) General Plan land use designation.

The Growth Management Major Strategy strives to find a balance between the need to house new population and the need to balance the City's budget while providing acceptable levels of service. The amendment site is located

within an area where urban facilities and services are already available; infill development on this site supports the intent of the Growth Management Major Strategy.

The Housing Major Strategy encourages facilitating housing opportunities of all types and price ranges for the City's residents. This Major Strategy can be achieved by planning for residential land uses at appropriate locations and densities. The existing industrial designation is not compatible with the surrounding neighborhood. Eliminating the industrial use and replacing it with a residential use at the density of the surrounding neighborhood will achieve the goal of the Housing Major Strategy and improve the compatibility of the site interface with the existing neighborhood.

2. The contribution to San Jose's economy of the applicable subarea

The subject site is not located within an identified employment subarea as shown in the report titled, *"Towards the Future: Jobs, Land Use and Fiscal Issues In San Jose's Key Employment Areas 2000-2020"*. The Downtown Frame and Story Road subareas are the closest to the subject site. Both of these are "Category 1 Subareas, Household-Serving Industries". These subareas represent a relatively small proportion of the City's total jobs and employment land acreage. The majority of the jobs in these subareas are in Household-Serving Industries, so they support San Jose's residents, not the City's businesses. Because these subareas contain such a small proportion of total Driving Industries and Business Support Industries, the City Council-adopted Industrial Land Conversion Framework recommends they be considered as candidates for a major shift in land use orientation, allowing for intensive redevelopment that would include housing as well as destination retail, civic, and institutional uses.

3. Proximity to compatible and incompatible land uses

As previously noted, the site is surrounded by single-family and two-family residential uses. The surrounding Medium Density Residential (8-16 DU/AC) General Plan land use designation allows uses that are compatible with proposed residential uses under the same designation. In this area, the subject site is the only industrial use in a predominantly residential surrounding area.

4. Proximity to neighborhood services and transit

General Plan policies state that public and private development should be located and designed to improve the character of the existing neighborhood and provide places and opportunities for interaction among residents. New residential development should be located where it is supportive and can relate to existing neighborhoods. The subject proposal would integrate with an existing neighborhood.

One of the measures of quality of life is access to services and facilities, including neighborhood-serving retail, parks, libraries, schools, public transportation, and other civic and cultural amenities. Additionally, there should be adequate service levels for public safety such as police and fire services. The project is proposing a 1-acre public park as a part of the development. Additionally, Roosevelt Park and William Street Park are within close proximity to the site, 1-mile and 0.8 miles respectively. The fire station located approximately 1.2 miles from the subject site at Santa Clara and South 17th Streets is the closest to the proposed development. The Carnegie Library on Santa Clara Street and McKinley Elementary School near McLaughlin Avenue are also in close proximity to the subject site.

Bus routes provided by the Valley Transportation Authority serve the site along 24th Street/McLaughlin Avenue and the site is within walking distance of the Santa Clara Street/Alum Rock Avenue Transit Corridor where an enhanced transit system is planned. In addition, sidewalks provide pedestrian connections throughout the area.

5. Potential for inducement of additional conversions to residential uses

The proposed conversion of the 8-acre site from Light Industrial to Medium Density Residential (8-16 DU/AC) on 7 acres and Public Park/Open Space on one acre is also being analyzed in the context of the larger surrounding area including the potential for further conversions of nearby sites. As discussed above, there are potential economic implications from a reduction in industrial lands. Staff believes the proposed change would not be a catalyst for additional industrial conversions nearby because the subject site is an isolated piece of industrially designated land.

PLANNED DEVELOPMENT REZONING ANALYSIS

The primary issues associated with this proposal are conformance with the *Residential Design Guidelines* and compatibility of the site with its adjacent uses.

Consistency with the Residential Design Guidelines

This proposal is a hybrid between single-family detached and garden townhouse units. Therefore, the analysis will be based on a fusion of the two standards.

Site Design/Interface

The Guidelines recommend perimeter setbacks from adjacent uses and public streets which are intended to ensure that new development is compatible with adjacent uses and relates appropriately to the surrounding streets. For this project, the Guidelines recommend a setback of 15 feet from a minor residential street (Bonita Avenue, Sunny and Kelly Courts), 35 feet from a freeway (Highway 101), and 20 feet from single family and paired dwellings. The project provides a 15-foot building setback from Bonita Avenue, Sunny Court, and Kelly Court and a setback of 8 feet for the front porch. The residential buildings are setback approximately 30 feet from Highway 101. A noise report was conducted for the project and with the noise attenuation recommendations of this report; the noise levels at the residential units closest to Highway 101 can be reduced to meet the noise guidelines set forth in the General Plan.

The project proposes a perimeter setback of 5 feet at the interface of the single-family and two-family residential units. This setback does not meet the 20-foot setback as stated in the Guidelines. Staff believes that the proposed 5-foot setback is not compatible with the existing and planned residential development pattern of the area, which situates the rear yards of single-family residences next to the side yards of the proposed development. Therefore, staff recommends a setback of at least 15 feet to provide a better relationship between the two uses.

In addition, the Guidelines recommend a front-to-front setback or separation of 30 feet between units. The project does provide a 30-foot separation in the form of a pedestrian paseo between the front of buildings.

The project is accessed by private drives from Kelly Court and Sunny Court. Units are accessed by pedestrians from the sidewalks along the public streets and a paseo that runs between each of the interior units. Off of the private drive, vehicles access the units from a driveway located at the rear of the units.

Parking

The Guidelines recommend that a single-family detached project have 2-car garages and 1.3-guest parking spaces per unit within 150 feet of each unit that do not have a driveway apron suitable to park at least one vehicle. On-street parallel parking in front of units may be counted towards meeting the guest parking guideline. The proposed project provides each unit with a two-car garage. With a total of 77 units, the project requires 100 guest parking spaces. The project is providing 52 off-street guest parking spaces as well as 58 on-street parallel parking spaces on Bonita Avenue, Sunny Court and Kelly Court for a total of 110 guest parking spaces. Staff believes that providing 1.4 guest parking spaces per unit is adequate to serve the site and is in conformance with the Guidelines.

Open Space

For single-family detached lots less than 3,000 square feet and garden townhouses the Guidelines recommend that each unit provide a minimum of 400 square feet and 300 square feet of private open space with a minimum width of 15 feet, respectively, and 150 square feet of common open space per unit. The proposed project provides each unit with approximately 330 square feet of private open space in the form of a single side-yard area with a minimum

dimension of 8 feet and a 3-foot by 11-foot notch in the building.

The project provides minimal common open space with only the approximate 30-foot paseo between each building, of which only a small percentage is useable. However, the addition of the public park adjacent to the development that will not only serve the neighborhood, but also the residents of the proposed development would provide adequate common open space.

Staff is very concerned with the usability of the private open space area. The 26-foot-tall residences on each side of the private open space shade and constrict a majority of the proposed private open space. With the product type proposed, an increased separation between units would result in a more usable private open space area. Given that the project will provide common open space well in excess of the minimum requirements, staff does not recommend a condition that would increase the minimum dimension and amount of private open space.

Architectural Design

This project consists of two-story units with front porches in Traditional, Bungalow, Italianate, and Victorian themes. Side elevations visible from public streets and private drives would be enhanced with second story pop-outs and additional windows. The unit type and general style of the proposed structures are compatible with existing development in the neighborhood because of their height and design. As is typical for a Planned Development Rezoning, the architecture that is shown is considered “conceptual” and will undergo further review by staff at the Planned Development Permit stage. Building materials, roofing, colors, and other details will also be selected for their compatibility with the neighborhood development pattern.

Conclusion

Based on the above analysis, staff concludes that the proposed project conforms to the Residential Design Guidelines with respect to parking and open space and is compatible with the surrounding residential neighborhood. The project is not in conformance with perimeter setbacks to existing and planned Medium Density residential units to the west. Therefore, staff recommends the development standards require a 15-foot perimeter setback for living area to perimeter lot lines. In this way, the project will be compatible with existing and planned residential uses to the west. In addition, the 15-foot perimeter setback would allow (1) greater separation between each unit so that private open space can be increased, and (2) additional landscaping between the units fronting on Kelly Court and the connecting private drive to create a more attractive project.

PUBLIC OUTREACH

Notices of the public hearing and a newsletter regarding the two community meetings that were held on October 6th and 7th 2004 to discuss the proposed General Plan amendment were distributed to the owners and tenants of all properties located within 1,000 feet of the subject site. The community can be kept informed about the status of General Plan amendments on the Department's web-site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule. In addition, the Planning Commission Agenda is posted on the City of San José website, which includes a copy of the staff report. Staff has also been available to discuss the project with interested members of the public.

No comments were received from the community at either of the two General Plan community meetings. This amendment and rezoning proposal was also presented to the Five Wounds/Brookwood Terrace Strong Neighborhoods Initiative (SNI) Neighborhood Advisory Committee (NAC) on September 28, 2004 and again on October 26, 2004. The NAC showed support for the project. Comments received from this meeting included concerns about an increase of traffic in the area, that the park would not include a parking lot, whether William Street will provide adequate access to freeways from the project, that the construction hauling route to the site is too distant

from major streets, and that there will parking on Bonita Avenue.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation to the City Council to:

I. Approve the proposed General Plan amendment for the following reasons:

1. The proposed project may be found consistent with the San José 2020 General Plan goals and policies.
2. The proposed project furthers the goals and objectives of the City's infill housing strategies.
3. The proposed project is compatible with existing and proposed uses on the adjacent and neighboring properties.
4. The proposed project is in substantial conformance with the Residential Design Guidelines.

II. Approve the proposed Planned Development Rezoning with the conditions as follows:

1. The setback for units on private drives for living area to perimeter lot line shall be 15 feet.
2. The minimum turning radius of returns shall be 30 feet inside diameter.
3. Public right-of-way shall have a minimum dimension of 52 feet.
4. Street and Driveway circulation shall be designed to accommodate access for fire equipment, and garbage and recycling collection.
5. Clear pedestrian connections shall be provided across the internal drives.

Attachments